

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 16-22, 24, 26-27, and 42 are currently pending. Claim 16 is amended; and Claims 28 and 30-38 are canceled without prejudice or disclaimer by the present amendment. No new matter is added.

Office Action Summary

Claims 16-22, 24, 26-28, 30-38, and 42 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,596,419 to Yoshimura et al. (hereinafter "Yoshimura") in view of U.S. Patent No. 6,686,965 to Fujii et al. (hereinafter "Fujii"), further in view of U.S. Patent No. 6,571,054 to Tonomura et al. (hereinafter "Tonomura").

Interview Summary

First, Applicants wish to thank Examiner Atala for the courtesy of a personal interview extended to Applicants' representative on February 24, 2010. During the interview, independent Claims 16 and 26 were discussed. Applicants' representative explained that the references applied against independent Claim 26 lack the feature of "detecting a switching of a sound multiplex mode." Examiner Atala agreed with this assessment, as is indicated in the form PTOL-413 which has been made of record.

With regard to independent Claim 16, Applicants' representative presented proposed amendments to Claim 16. Examiner Atala indicated that these amendments appear to overcome the rejections based on the references of record. Accordingly, Claim 16 is amended as discussed during the interview.

Rejection of Claims 16-22, 24, 26-28, 30-38, and 42 under 35 U.S.C. § 103(a)

Claims 28 and 30-38 have been canceled without prejudice or disclaimer, thus rendering the outstanding rejections of these claims moot.

Independent Claim 26 recites, inter alia, “detecting a switching of a sound multiplex mode.” Applicants respectfully submit (as was agreed to during the interview) that no proper combination of the applied references teaches or suggest at least this feature of Claim 26. Accordingly, Applicants respectfully submit that Claim 26 patentably defines over any proper combination of the applied references, and request that the rejection of Claim 26 under 35 U.S.C. § 103(a) be withdrawn.

Independent Claim 16 is amended to recite a recording device which includes:

- an imaging sensor capturing a still image;
- a still image recording portion recording at least one still image captured by the imaging sensor;
- a video recording portion recording a video;
- an information recording portion recording information on a correspondence between the still image recorded by said still image recording portion and the video recorded by said video recording portion;
- a digital network interface digitally bi-directionally communicating with an external apparatus;
- a command executing portion interpreting a command received from the external apparatus through said digital network interface and selectively transmitting one or a plurality of the still image, the video and the information respectively recorded by said still image recording portion, said video recording portion and said information recording portion through said digital network interface; and
- a still image producing portion producing a still image by cutting out the still image to be recorded in the still image recording portion from the video recorded by said video recording portion at the start of video recording and every time a prescribed period of time is elapsed thereafter, wherein
 - said still image recording portion records the still image as a digital file,
 - when a still image transfer command including a still image file name is received from the external apparatus, said command executing portion selectively transmits the still image based on the still image file name,
 - the at least one still image captured by the imaging sensor is captured

during a time when no video is recorded,
the information recording portion sets the correspondence of the at least
one still image captured by the imaging sensor during the time when no video is
recorded to correspond to a start of a video recorded immediately after said still
image is captured, and

when a video transfer command including a video file name is received
from the external apparatus, said command executing portion selectively transmits
the video based on the video file name.

Applicants respectfully submit that no proper combination of the applied references teaches or suggests all features recited in amended Claim 16. In particular, amended Claim 16 recites that *at least one still image captured by the imaging sensor is captured during a time when no video is recorded, and the information recording portion sets the correspondence of the at least one still image captured by the imaging sensor during the time when no video is recorded to correspond to a start of a video recorded immediately after said still image is captured.* Applicants respectfully submit that the applied references are silent regarding at least these features of Claim 16. Indeed, Examiner Atala indicated that her initial impression agrees with this assessment during the interview. Accordingly, Applicants respectfully submit that Claim 16 (and all associated dependent claims) patentably defines over any proper combination of the applied references, and request that the rejection of Claims 16-22, 24, 27, and 42 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

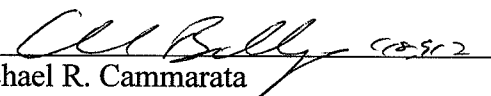
In view of the above amendment and the foregoing remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact George Dolina, Reg. No. 63,654, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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